

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Feb 09, 2024**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: William August Brand

Case Number: 0980 2:18CR00215-TOR-1

Address of Offender: [REDACTED], Spokane, Washington 99223

Name of Sentencing Judicial Officer: The Honorable Donald W. Molloy, U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: October 8, 2010

Original Offense: Possession of Child Pornography, 18 U.S.C. § 2252 (a)(5)(b) and (b)(2)

Original Sentence: Prison - 3 months
TSR - Life

Type of Supervision: Supervised Release

Revocation Sentence: Prison - 3 months
(June 6, 2023) TSR - Life

Asst. U.S. Attorney: Michael James Austen Ellis Date Supervision Commenced: August 23, 2023

Defense Attorney: Federal Defender's Office Date Supervision Expires: Life

PETITIONING THE COURT

To issue a **warrant** and to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 1/22/2024.

On August 25, 2023, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Brand, as outlined in the judgment and sentence. He signed a copy acknowledging the requirements.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Standard Condition #2: After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: On February 8, 2024, William Brand allegedly violated standard condition number 2, by failing to report to the U.S. Probation Office as instructed.

On the morning of February 8, 2024, this officer attempted to contact the offender in order to instruct him to report to the U.S. Probation Office for random urinalysis testing, but was unsuccessful. The undersigned officer subsequently left a voice message for the offender instructing him to report to the U.S. Probation Office by 12 p.m., ensuring to include my contact information if he had any questions.

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Shortly thereafter, on February 8, 2024, the undersigned attempted to make contact with the offender at his residence to conduct an unscheduled home visit; there was no answer. This officer left a business card in the front door with written instructions on the back for Mr. Brand to report to the U.S. Probation Office by 12 p.m. that day.

The offender did not make any attempt to contact this officer until the next day, on February 9, 2024, when he walked into the U.S. Probation Office.

- 6 **Special Condition #7:** You must not reside or loiter within 500 feet of places where children congregate, which includes playgrounds, primary and secondary schools, city parks, daycare centers, and arcades.

Supporting Evidence: On or about February 8, 2024, William Brand allegedly violated special condition number 7, by failing to notify the U.S. Probation Office that a local early childhood education program would regularly bring the children to play at the playground in his apartment complex.

On February 8, 2024, after an unscheduled home visit at Mr. Brand's residence was unsuccessful, this officer encountered a class of children walking right past the stairway leading to the offender's apartment. The undersigned spoke with one of the teachers accompanying that group and she advised that they would bring students from their school, Community Minded Enterprise, to the playground in the apartment complex on a daily basis; this officer was not aware of that.

On February 9, 2024, the undersigned confronted the offender about him residing within 500 feet of where children were congregating on a daily basis, and he ultimately admitted to seeing groups of children walking past his apartment complex in order to access the playground. Mr. Brand further acknowledged that he failed to notify this officer about his close proximity to children.

- 7 **Special Condition #1:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On or about February 8, 2024, William Brand allegedly violated special condition number 1, by consuming methamphetamine and marijuana.

After failing to report to the U.S. Probation Office as instructed on February 8, 2024, the offender walked into the probation office on the morning of February 9, 2024. At that time, Mr. Brand was subject to random urinalysis testing. Before submitting to urinalysis testing, the offender admitted he would be "dirty" for methamphetamine and marijuana; he then signed an admission of use form admitting to the use of methamphetamine and marijuana on the morning of February 8, 2024.

The offender then provided a urine sample that was presumptive positive for both methamphetamine and marijuana. Because of the offender's admission of use, the urine sample was not sent to the laboratory for further testing.

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The U.S. Probation Office respectfully recommends the Court to issue a **warrant** and incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 02/09/2024

s/Amber M.K. Andrade

Amber M.K. Andrade

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Thomas O. Rice

United States District Judge

February 9, 2024

Date